

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Camelot SI, LLC

Plaintiff,

v.

ThreeSixty Brands Group LLC f/k/a
360 Holdings II-A LLC and MerchSource,
LLC,

Defendants.

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Case No. 1:21-cv-8232 (ER)

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Joinder of additional parties must be accomplished by March 7, 2022.
4. Amended pleadings may be filed until March 18, 2022. This deadline is subject to a party's right to amend a pleading or seek leave to amend pursuant to Federal Rule of Civil Procedure 15.
5. Rule 26(a)(1) disclosures shall be served no later than February 11, 2022.
6. Interrogatories shall be served no later than 30 days prior to the fact discovery deadline, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall apply to this case.
7. First requests for production of documents, if any, shall be served no later than March 11, 2022.
8. Non-expert depositions shall be completed by ~~December 23, 2022~~ ~~March 23, 2023~~ ~~April 24, 2023~~ May 24, 2023.

- a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Counsel agree that non-party depositions need not follow party depositions.
9. Any further interrogatories, including expert interrogatories, shall be served no later than November 15, 2022.
10. Requests to Admit, if any, shall be served no later than November 15, 2022.
11. Expert reports from the party bearing the burden of proof shall be served no later than ~~January 13, 2023 April 13, 2023 May 15, 2023~~ June 15, 2023.
12. Expert reports from the party not bearing the burden of proof shall be served no later than ~~February 10, 2023 May 11, 2023 June 12, 2023~~ July 12, 2023.
13. Expert depositions shall be completed by ~~March 10, 2023 June 8, 2023 July 10, 2023~~ August 10, 2023.
14. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
15. The parties shall complete document production responsive to the March 11, 2022 first requests for the production of documents by September 30, 2022, except that the parties reserve their rights to make supplemental document productions thereafter consistent with their obligations under Fed. R. Civ. P. 26(e).
16. ALL DISCOVERY SHALL BE COMPLETED BY ~~March 10, 2023 June 8, 2023 July 10, 2023~~ August 10, 2023.
17. Any motions shall be filed in accordance with the Court's Individual Practices.
18. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
19. The Magistrate Judge assigned to this case is the Hon. Sarah Netburn.
20. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

21. The next case management conference is scheduled for June 9, 2023, at 11:30 a.m.

SO ORDERED.

Dated: New York, New York
February 27, 2023

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Hon. Edgardo Ramos, U.S.D.J.

ATTACHMENT – NO. 14

1. All non-expert discovery shall be completed by ~~December 23, 2022~~ ~~March 23, 2023~~ ~~April 24, 2023~~ May 24, 2023.
2. The parties do not request that the Court limit discovery to any particular subject matters.
3. The parties shall negotiate and enter into a stipulated ESI protocol agreement to be submitted for the Court's approval by a date no later than March 1, 2022.
4. The parties shall negotiate and enter into a stipulated protective order to be submitted for the Court's approval by a date no later than March 1, 2022.
5. The parties agree that service of any paper by email constitutes service under Fed. R. Civ. Proc. 5(b)(2)(E). Email service should be directed to the below attorneys for purposes of this agreement:

Camelot SI, LLC: Peter N. Wang (pwang@foley.com); Lauren M. Loew (lloew@foley.com); Jami A. Gekas (jgekas@foley.com); Ben Bassoff (bbassoff@foley.com).

ThreeSixty Brands Group LLC f/k/a 360 Holdings II-A LLC and MerchSource, LLC: David Marroso (dmarroso@omm.com), Megan Smith (megansmith@omm.com), Shay Reif (sreif@omm.com) Mark Johnson (mjohnson@rennerotto.com), Kyle Fleming (kfleming@rennerotto.com)